

House of Representatives, March 31, 1998. The Committee on Transportation reported through REP. COCCO, 127th DIST., Chairman of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING TOWERS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 14-66 of the general
2 statutes, as amended by section 11 of public act
3 97-236, is repealed and the following is
4 substituted in lieu thereof:
5 (a) (1) No person, firm or corporation shall
6 engage in the business of operating a wrecker for
7 the purpose of towing or transporting for
8 compensation motor vehicles which are disabled,
9 inoperative or wrecked or are being removed in
10 accordance with the provisions of section 14-145,
11 14-150 or 14-307, AS AMENDED, unless such person,
12 firm or corporation is a motor vehicle dealer or
13 repairer licensed under the provisions of
14 subdivision (D) of this part. (2) The commissioner
15 shall establish and publish a schedule of uniform
16 rates and charges for the nonconsensual towing and
17 transporting of motor vehicles and for the storage
18 of motor vehicles which shall be just and
19 reasonable. The commissioner may, from time to
20 time, amend each such schedule and the rates and
21 charges contained therein. In establishing and
22 amending such rates and charges, the commissioner
23 may consider factors, including, but not limited

24 to, rates set by other jurisdictions, charges for
25 towing and transporting services provided pursuant
26 to a contract with an automobile club or
27 automobile association licensed under the
28 provisions of section 14-67 and rates published in
29 standard service manuals. The commissioner shall
30 hold a public hearing for the purpose of obtaining
31 additional information concerning such rates and
32 charges. (3) With respect to the nonconsensual
33 towing or transporting and the storage of motor
34 vehicles, no such person, firm or corporation
35 shall charge more than the rates and charges
36 published by the commissioner. Any person
37 aggrieved by any action of the commissioner under
38 the provisions of this section may take an appeal
39 therefrom in accordance with section 4-183, except
40 venue for such appeal shall be in the judicial
41 district of Hartford-New Britain*.

42 (b) The commissioner, by himself or an
43 inspector authorized by him, shall examine each
44 wrecker, its number, equipment and identification,
45 and ascertain the mechanical condition of such
46 wrecker and ascertain whether or not it is
47 properly equipped to do the work intended. Such
48 wrecker shall be deemed properly equipped if it
49 has installed thereon two flashing yellow lights
50 so mounted on the vehicle as to show in all
51 directions at all times and which shall indicate
52 the full width of said vehicle. Such lights shall
53 be mounted not less than eight feet above the road
54 surface and as near the back of the cab of such
55 vehicle as practicable. Such lights shall be in
56 operation whenever a disabled vehicle is being
57 towed by such wrecker and when such wrecker is at
58 the scene of an accident or location of a disabled
59 motor vehicle. In addition thereto each wrecker
60 shall be equipped with a spot light so mounted
61 that the beam of light can be shown in all
62 directions. The hoisting equipment of each wrecker
63 shall be of sufficient capacity to perform the
64 service intended and shall be securely mounted to
65 the frame of such vehicle. A fire extinguisher
66 shall be carried at all times on each wrecker
67 which shall be in proper working condition,
68 mounted in a permanent bracket on each wrecker and
69 have a minimum rating of eight bc. A set of three
70 flares in operating condition shall be carried at
71 all times on each wrecker and shall be used

72 between the periods of one-half hour after sunset
73 and one-half hour before sunrise when the wrecker
74 is parked on a highway while making emergency
75 repairs or preparing to pick up a disabled vehicle
76 to remove it from a highway or adjoining property.
77 No registrant or operator of any wrecker shall
78 offer to give any gratuities or inducements of any
79 kind to any police officer or other person in
80 order to obtain towing business or recommendations
81 for towing or storage of, or estimating repairs
82 to, disabled vehicles. No licensee shall require
83 the owner to sign a contract for the repair of his
84 damaged vehicle as part of the towing
85 consideration or to sign an order for the repair
86 of, or authorization for estimate until the tow
87 job has been completed. No licensee shall tow a
88 vehicle in such a negligent manner as to cause
89 further damage to the vehicle being towed.

90 (c) Each wrecker used for towing or
91 transporting disabled or wrecked motor vehicles
92 for compensation shall be registered as a wrecker
93 by the commissioner for a fee of ninety-two
94 dollars. Each such registration shall be renewed
95 biennially according to renewal schedules
96 established by the commissioner so as to effect
97 staggered renewal of all such registrations. If
98 the adoption of a staggered system results in the
99 expiration of any registration more or less than
100 two years from its issuance, the commissioner may
101 charge a prorated amount for such registration
102 fee.

103 (d) AN OWNER OF A WRECKER MAY APPLY TO THE
104 COMMISSIONER FOR A GENERAL DISTINGUISHING NUMBER
105 AND NUMBER PLATE FOR THE PURPOSE OF DISPLAYING
106 SUCH NUMBER PLATE ON A MOTOR VEHICLE TEMPORARILY
107 IN THE CUSTODY OF SUCH OWNER AND BEING TOWED OR
108 TRANSPORTED BY SUCH OWNER. THE COMMISSIONER SHALL
109 ISSUE SUCH NUMBER AND NUMBER PLATE TO AN OWNER OF
110 A WRECKER (1) WHO HAS COMPLIED WITH THE
111 REQUIREMENTS OF THIS SECTION, AND (2) WHOSE
112 WRECKER IS EQUIPPED IN ACCORDANCE WITH SUBSECTION
113 (b) OF THIS SECTION. THE COMMISSIONER SHALL CHARGE
114 A FEE TO COVER THE COST OF ISSUANCE AND RENEWAL OF
115 SUCH NUMBER PLATES.

116 [(d)] (e) With respect to the nonconsensual
117 towing or transporting of a motor vehicle, no
118 licensee may tow or transport a vehicle to the
119 premises of any person, firm or corporation

120 engaged in the storage of vehicles for
121 compensation unless such person, firm or
122 corporation adheres to the storage charges
123 published by the commissioner.

124 [(e)] (f) The provisions of this section
125 shall not apply to any person, firm or
126 corporation, licensed as a motor vehicle dealer
127 under the provisions of subdivision (D) of this
128 part, towing or transporting a motor vehicle for
129 salvage purposes, provided such person, firm or
130 corporation does not offer direct towing or
131 wrecker service to the public.

132 [(f)] (g) For the purposes of this section,
133 "nonconsensual towing or transporting" means the
134 towing or transporting of a motor vehicle in
135 accordance with the provisions of section 14-145
136 or for which arrangements are made by order of a
137 law enforcement officer or traffic authority, as
138 defined in section 14-297.

139 Sec. 2. Subsection (c) of section 14-96q of
140 the general statutes is repealed and the following
141 is substituted in lieu thereof:

142 (c) Flashing lights are prohibited on motor
143 vehicles other than school buses, except (1) as a
144 means for indicating a right or left turn, (2)
145 flashing blue lights used by members of volunteer
146 or civil preparedness fire companies, as provided
147 by subsection (b) of section 14-96p, (3) on
148 certain emergency and maintenance vehicles by
149 written permit from the commissioner, (4) flashing
150 or revolving yellow lights on WRECKERS REGISTERED
151 PURSUANT TO SECTION 14-66, AS AMENDED BY THIS ACT,
152 OR vehicles of carriers in rural mail-delivery
153 service or vehicles transporting or escorting any
154 vehicle or load or combinations of vehicles or
155 vehicles and load which is or are either oversize
156 or overweight or both, and operated or traveling
157 under a permit issued by the Commissioner of
158 Transportation pursuant to section 14-270, (5)
159 flashing red lights (A) on a motor vehicle
160 accommodating fifteen or less handicapped students
161 used only during the time such vehicle is stopped
162 for the purpose of receiving or discharging such
163 handicapped students, (B) used by members of the
164 fire police on a stationary vehicle as a warning
165 signal during traffic directing operations at the
166 scene of a fire, (C) on rescue vehicles, (D) used
167 by chief executive officers of emergency medical

168 service organizations as provided in subsection
169 (a) of section 14-96p, or (E) ambulances, as
170 defined in section 19a-175, AS AMENDED, (6)
171 flashing green lights used by members of volunteer
172 ambulance associations or companies as provided in
173 subsection (c) of section 14-96p, or (7) flashing
174 white lights or flashing lights of other colors
175 specified by federal requirements for the
176 manufacture of an ambulance used in conjunction
177 with flashing red lights or flashing head lamps
178 and a flashing amber light on an ambulance
179 responding to an emergency call. The prohibitions
180 in this section shall not prevent the operator of
181 a motor vehicle who while traveling on a limited
182 access divided highway, because of the grade, is
183 unable to maintain the minimum speed of forty
184 miles per hour, or who while traveling on any
185 other highway is operating such motor vehicle at
186 such slow speed as to obstruct or endanger
187 following traffic, or the operator of a disabled
188 vehicle stopped on a hazardous location on the
189 highway, or in close proximity thereto, from
190 flashing lights, installed on the vehicle
191 primarily for other purposes, in any manner that
192 he selects so as to indicate that such vehicle is
193 traveling slowly, obstructing traffic or is
194 disabled and is a hazard to be avoided. The
195 commissioner is authorized, at his discretion, to
196 issue special permits for the use of flashing or
197 revolving lights on emergency vehicles, on escort
198 vehicles and on maintenance vehicles, provided any
199 person, firm or corporation other than the state
200 or any metropolitan district, town, city or
201 borough shall pay an annual permit fee of two
202 dollars for each such vehicle, provided vehicles
203 not registered in this state used for transporting
204 or escorting any vehicle or load or combinations
205 of vehicles or vehicles and load which is or are
206 either oversize or overweight or both when
207 operating under a permit issued by the
208 Commissioner of Transportation pursuant to section
209 14-270, shall not require such permit. [On and
210 after July 1, 1985, such] SUCH annual permit fee
211 shall be [three dollars, on and after July 1,
212 1989, four dollars and fifty cents, on and after
213 July 1, 1991, five dollars and seventy-five cents
214 and on and after July 1, 1993,] seven dollars.

215 TRA COMMITTEE VOTE: YEA 23 NAY 0 JFS

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"THE FOLLOWING FISCAL IMPACT STATEMENT AND BILL ANALYSIS ARE PREPARED FOR THE BENEFIT OF MEMBERS OF THE GENERAL ASSEMBLY, SOLELY FOR PURPOSES OF INFORMATION, SUMMARIZATION AND EXPLANATION AND DO NOT REPRESENT THE INTENT OF THE GENERAL ASSEMBLY OR EITHER HOUSE THEREOF FOR ANY PURPOSE."

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FISCAL IMPACT STATEMENT - BILL NUMBER SHB 5549

STATE IMPACT Offsetting Costs, Minimal Revenue
 Loss (Transportation Fund), see
 explanation below

MUNICIPAL IMPACT None

STATE AGENCY(S) The Department of Motor Vehicles

EXPLANATION OF ESTIMATES:

This legislation allows a wrecker operator to apply to the Department of Motor Vehicles (DMV) for a special license plate to be placed on a motor vehicle which is to be towed or transported. Since the fee for issuance and renewal of the plate is to equal the costs of the DMV, no fiscal impact on revenues or expenditures is anticipated. (Costs for the special license plate could be approximately \$15.00).

Since under the bill, wrecker operators will no longer be required to obtain special permits under the "use of flashing lights on emergency vehicles" provision of the general statutes, its passage could result in a minimal revenue loss to the Transportation Fund from the \$7 permit fee.

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OLR **BILL ANALYSIS**

sHB 5549

AN ACT CONCERNING TOWERS

SUMMARY : By law, only a licensed motor vehicle dealer or repairer may engage in the business of operating a wrecker to tow or transport for compensation a vehicle that is disabled, wrecked, inoperative, or being removed by order of a law enforcement officer. This bill allows a wrecker operator to apply to the Department of Motor Vehicles (DMV) for a special license plate that can be put on a vehicle the wrecker is moving. The DMV must issue the plate with a general distinguishing number to any wrecker owner who has complied with the equipment, rate filing, and other requirements of the law governing wrecker operations and must charge a fee to cover plate issuance and renewal costs.

The bill also allows properly registered wreckers to display flashing or revolving yellow lights anywhere on the vehicle. Currently, in order to be deemed properly equipped, a wrecker must have two flashing yellow lights mounted at least eight feet above the ground, as near to the back of the cab as practicable, indicating the full width of the vehicle, and visible at all times and in all directions. Under the bill, it would be able to display other yellow lights as well.

EFFECTIVE DATE: October 1, 1998

COMMITTEE ACTION

Transportation Committee

Joint Favorable Substitute
Yea 23 Nay 0